

and to the future." We believe the future will belong to those who are prepared and who are willing to compete in a knowledge-based, global economy.

Today begins the hard work of formulating a new paradigm for equal opportunity for all Americans. The Council of 100 looks forward to working with Sen. Dole as he points us toward the future with the "Equal Opportunity Act of 1995."

CENTER FOR NEW BLACK LEADERSHIP,  
Washington, DC, July 27, 1995.

#### EQUAL OPPORTUNITY ACT OF 1995

Senator Dole's introduction of the Equal Opportunity Act of 1995 is an important first step in restoring the nondiscrimination principle to American civil rights law.

Racially preferential public policy is not only unfair to members of nonpreferred groups but also to many of its ostensible beneficiaries. When our public policy suggests that members of certain races, taken as an undifferentiated whole, are incapable of competing without the helping hand of the state, our leaders send a dangerously stereotypical message to the larger society.

To be sure, state-sanctioned categorization of people based upon race and gender may once have been a practical tool for remedying manifest disadvantage resulting from systematic exclusion of groups from the American mainstream. Today, however, race and gender are simply insufficient proxies for disadvantage. To suggest otherwise is disingenuous and destructive.

We can restore the moral foundation of civil rights policy in two ways. First, by confronting and punishing acts of discrimination where they exist. The acknowledgment that discrimination remains a factor of life for too many Americans must stiffen our resolve to deal with the problem constructively. However, such an acknowledgment need not inevitably lead to categorical racial and gender preference.

Instead, our leaders must deal forthrightly with the very real economic and cultural problems confronting many of America's poorest communities today. The tragic circumstances of the truly disadvantaged should be acknowledged and accommodated when appropriate. However, the suggestion that race and disadvantage are inextricably linked is insidious in its effect.

American public policy must move beyond the era of stereotypical racial and gender categories, toward an era that demands that similarly situated individuals, regardless of race or gender, compete under the same standard. Senator Dole's bill quite rightly moves us in that direction by removing federal policy from the thicket of racial and gender double standards.

BRIAN W. JONES,  
President.

INDEPENDENT WOMEN'S FORUM,  
July 27, 1995.

Hon. ROBERT J. DOLE,  
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The Independent Women's Forum commends you and Congressman Canady for your action today. The Equal Opportunity Act of 1995 will insure an historic debate about how to expand the economy and create opportunities for all Americans. Preferences, set-asides, and quotas do not create jobs or opportunities—they create bitterness, division, hostility and disrespect. The Independent Women's Forum has long realized that, although women have benefited by so-called affirmative action, at many times it was at the expense of minorities, our brothers, husbands, and other loved ones. The time has come to rethink whether the social implications of

these programs have not done more damage than good. The Independent Women's Forum looks forward to engaging in this discussion.

Most respectfully,

BARBARA J. LEDEEN,  
Executive Director for Policy.

#### ADDITIONAL COSPONSORS

S. 143

At the request of Mrs. KASSEBAUM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 143, a bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 284

At the request of Mr. DOLE, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Missouri [Mr. BOND], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 284, a bill to restore the term of patents, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 641, supra.

S. 885

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. GORTON] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 885, a bill to establish United States commemorative coin programs, and for other purposes.

S. 1061

At the request of Mr. LEVIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1061, a bill to provide for congressional gift reform.

#### SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

#### SENATE RESOLUTION 133

At the request of Mr. HELMS the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

#### AMENDMENT NO. 1859

At the request of Mrs. KASSEBAUM the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Amendment No. 1859 proposed to S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

#### SENATE RESOLUTION 157—COM- MENDING SENATOR ROBERT C. BYRD FOR CASTING 14,000 VOTES

Mr. DASCHLE (for himself, Mr. DOLE, Mr. ROCKEFELLER, Mr. FORD, Mr. THURMOND, Mr. LOTT, Mr. INOUE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr.

HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

## S. RES. 157

Whereas, the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas, he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas, his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas, he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas, he has held more Senate leadership positions than any other Senator in history; therefore, be it

*Resolved*, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

## AMENDMENTS SUBMITTED

## THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

## CHAFEE AMENDMENTS NOS. 1861–1870

(Ordered to lie on the table.)

Mr. CHAFEE submitted 10 amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

## AMENDMENT No. 1861

On page 8, strike paragraph (4) (lines 11 through 13) and insert the following:

“(4) an explanation of the factual conclusions upon which the rule is based; and”.

## AMENDMENT No. 1862

On page 11, strike lines 2 through 10 and insert the following: “give an interested person the right to petition for the issuance, amendment, or repeal of a rule.”.

## AMENDMENT No. 1863

On page 30, at the end of line 22, add the following: “The court shall, to the extent practicable, consolidate all petitions with re-

spect to a particular action into one proceeding for that action.”.

## AMENDMENT No. 1864

On page 34, strike subsection (i) with respect to termination of rules (lines 20 through 25) and insert the following:

“(i) COMPLETION OF REVIEW.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).”.

## AMENDMENT No. 1865

Beginning on page 35, strike subsections (a), (b) and (c) of section 624 (page 35, line 10, through page 38, line 5) as modified by the Dole Amendment No. 1496 and insert the following:

“(a) CONSTRUCTION WITH OTHER LAWS.—The requirements of this section shall supplement, and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law both with a requirement of this section and any requirement of the statute authorizing the rule, such requirement of this section shall not apply to the rule.

“(b) REQUIREMENTS.—Except as provided in subsection (c), no final major rule subject to this subchapter shall be promulgated unless the agency head publishes in the Federal Register a finding that—

“(1) the benefits from the rule justify the costs of the rule;

“(2) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

“(3) the rule adopts the alternative with greater net benefits than the other reasonable alternatives that achieve the objectives of the statute.

“(c) ALTERNATIVE REQUIREMENTS.—If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection (b), the agency head may (and if the agency head has a non-discretionary duty to issue a rule, shall) promulgate the rule, if the agency head finds that—

“(1) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

“(2) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.”.

## AMENDMENT No. 1866

On page 39, lines 12 and 13, strike “may be considered by the court solely for the purpose of” and insert in lieu thereof the following: “may not be considered by the court except for the purpose of”.

## AMENDMENT No. 1867

On page 39, strike subsection (e) with respect to interlocutory review (page 39, line 18, through page 40, line 7) as modified by the Nunn Amendment No. 1491.

## AMENDMENT No. 1868

Strike section 636 with respect to deadlines for rulemaking (page 40, line 8 through page 41, line 12) and insert the following:

## “§ 626. Deadlines for Rulemaking

“(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or sub-

chapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

“(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

“(2) the date occurring 6 months after the date of the applicable deadline.

“(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

“(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

“(2) the date occurring 6 months after the date of the applicable deadline.

“(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

“(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

“(2) the date occurring 6 months after the date of the applicable deadline.”.

## AMENDMENT No. 1869

On page 68, line 3, insert after “subchapter” the following: “and the requirements of section 624”.

## AMENDMENT No. 1870

Beginning on page 74, strike subparagraphs (E), (F), and (G) (page 74, line 22, through page 75, line 8) and insert the following:

“(E) unsupported by substantial evidence in a proceeding subject to section 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

“(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.”.

## THE HANFORD LAND MANAGEMENT ACT

## GORTON (AND OTHERS) AMENDMENT NO. 1871

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. GORTON (for himself, Mrs. MURRAY, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment intended to be proposed by them to the bill (S. 871) to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhanced Environmental Cleanup and Management Demonstration Act of 1995”.

## SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress hereby finds that—

(1) Defense Nuclear Facilities were used to produce nuclear weapons materials to defend the United States in World War II and thereafter. These facilities played a critical role in securing the defense and overall welfare of the country.

(2) Defense Nuclear Facilities are now among the most contaminated sites in the country. Many are listed on the National Priorities List compiled pursuant to the